



TERRY GODDARD
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

OFFICE OF VICTIM SERVICES

February 8, 2005

RE: State v. Repp, Elizabeth Ann et al.
Cause Number: 5-5934
Charges: Count 1: Fraudulent Schemes and
Artifices, Counts 2-7: Taking the Identity
of Another, Count 8: Unlawful Possession
of an Access Device, Count 9: Misconduct
Involving Weapons

Dear Sir/Madam:

The Arizona Attorney General's Office of Victim Services has been notified that your business is a "legal entity" victim in the above-referenced case. We would like to take this opportunity to explain your rights as a legal entity representative and how the Office of Victim Services can assist you through the criminal justice system.

This case will be referred to as "State v. Repp, Elizabeth Ann et al." because there are two defendants. Subsequent notification will provide specific information for co-defendants Elizabeth Ann Repp and Brian Lee Warner.

Due to the large volume of victims in this case, all future notification will be posted on our website at www.azag.gov under the "Victims' Rights" link on the left. If you do not have access to the internet and/or wish to receive notification by mail, please return the green Pre-Conviction Request Form enclosed. We are asking you to return the Pre-Conviction Notification Request Form to our office **no later than March 11, 2005** if you choose to request mail notification. You may mail your Pre-Conviction Notification Request form to: The Arizona Attorney General's Office, ATTN: Office of Victim Services, 1275 West Washington, Phoenix, Arizona 85007.

As a brief summary of this case, Elizabeth Ann Repp and Brian Lee Warner were found to be in possession of the personal identifying information of approximately 500 different individuals and businesses. The information was obtained from a number of sources, including the Internet, public records, and discarded records. Repp and Warner stored this information in binders in their apartment, and used it as necessary to open credit with stores such as Target, The Gap and Best Buy, and banks such as First Premier, Provident and Citibank. They then used this credit to purchase items, which they gave to others, or re-sold.

Repp and Warner often obtained the personal information of individuals who had the same or similar names as their friends. They gave that information to those friends, who then similarly used it to obtain credit. Because investigators have not located all of Repp and Warner's associates, it is important that you vigilantly monitor your credit to ensure that any ongoing or future use is discovered before a substantial loss is incurred.

The Attorney General's Office recommends you check your business records immediately to determine if your business had unauthorized accounts opened by either of the co-defendants. Please alert our office as soon as possible if you discover any unauthorized accounts or activity, and provide us with proof of such for restitution purposes. For more information on how to protect your business against fraudulent activity, please check the Federal Trade Commission's website at www.ftc.gov.

Please be aware that the vast majority of criminal cases are resolved through negotiated plea agreements rather than through a trial. It is possible *that the defendants may enter a guilty plea at any scheduled court proceeding*.

Assistant Attorney General Todd Lawson has asked me to inform you that plea negotiations are in progress with co-defendant Brian Lee Warner for a non-trial resolution of the case. The State has proposed a plea agreement that will allow the defendant to plead guilty to Amended Count 1: Attempted Fraudulent Schemes and Artifices, a class 3 felony with one prior felony conviction. The defendant will be subject to a possible penalty range of 3.5 years to 16.25 years imprisonment.

The agreement also stipulates the following additional terms regarding Brian Lee Warner:

- The defendant shall be sentenced to the Department of Corrections for no less than the presumptive term of 6.5 years.
- The defendant agrees to forfeit the weapon seized by U.S. Postal Inspectors under Count 9.
- The defendant agrees to pay restitution to all individual and corporate entity victims named in the case for costs and expenses related to the theft and use of their personal identifying information in an amount not to exceed \$10,000.00 per person.
- The defendant agrees to pay restitution to all entity victims for costs of goods and services purchased by the defendant and co-defendant using the personal identifying information of others in an amount not to exceed \$10,000.00 per entity.
- Counts 5-9 and any additional allegeable prior felony convictions will be dismissed.

If co-defendant Brian Lee Warner agrees to the proposed terms, a change of plea hearing will be scheduled. The judge will then decide at the change of plea hearing whether to accept or reject the plea agreement. If either the defendant or the judge rejects the plea agreement, the case will proceed to trial.

The next scheduled proceeding is an initial pre-trial conference for both defendants on **February 28, 2005 at 8:30 a.m.** before Commissioner Julie Newell, Maricopa County Superior Court, Central Court Building (CCB), 9th Floor, 201 West Jefferson, Phoenix, Arizona 85003, (602) 506-3151. Keep in mind that there are frequent continuances and last minute changes in court proceedings so please call our office one working day in advance of the scheduled hearing if you plan to attend.

A legal entity representative has the right to appear at any sentencing or restitution proceeding and, if present, to speak at such proceedings. Legal entity representatives may also submit a written statement to the court regarding opinions or information on sentencing and restitution.

The defense attorney might request an interview with you before a trial or other court proceeding. Please call me as soon as possible if anyone contacts you regarding an interview or deposition in this case.

You may waive your rights as the representative of your business by completing the top part of the enclosed "Waiver" form. If you do this, you will receive no further notification regarding this case. Alternatively, by filling out the bottom part of the enclosed form, you may designate someone as your business's lawful representative, who would then receive all future notifications. Failure to keep your address current with this office will constitute a waiver of your right to notification in this case. Even if you waive your rights, you will be subpoenaed if your testimony is required for prosecution.

*Again, please remember that future notification from our office regarding this case will be posted on our website at www.azag.gov under the "Victims' Rights" link on the left. If you are requesting mail notification, we are asking you to return the green Pre-Conviction Notification Request Form to the address indicated above **no later than March 11, 2005***

If there is any way in which our office may be of assistance to you, please call us at (602) 542-4911 or 1-866-742-4911 between 8:00 a.m. and 5:00 p.m., Monday through Friday.

Sincerely,

The Office of Victim Services

Enclosure(s)

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